#7

United States Environmental P... (EPA)

There was a verbal agreement that they would submit documentation on the repair (lining of the tank) and inspection. I never received anything

Underground S... tion Form

INSPECTOR NAME(S): Peter Misluk DATE: 8/28/2012

SIC CODE: ICIS #: 300029791

I. Location of Tank(s) ☐ Tribal

Facility Name: Chestnut Mart of Middletown Inc.
Street Address: 650 Route 211 East
City: Middletown State: NY Zip Code: 10941
County: Orange
Phone Number: Fax Number:
Contact Person(s):

II. Ownership of Tank(s) ☐ same as location (I.)

Operator: CPDNY Energy Corp.
Owner Name: Robert L. Wilson
Street Address: 650 Route 211 East
City: Middletown State: NY Zip Code: 10941
County: Orange
Phone Number: (845) 256-0162 Fax Number:
Contact Person(s): Scott Parker

IIA. Ownership of Other Facilities

☐Do you own other UST Facilities **Yes / No**

If Yes, How many Facilities _____ How many USTs _____

III. Notification

☐ Notification to implementing agency; name _____
State Facility ID # 3-600554

IV. Financial Responsibility

☐ State Fund _____
☐ Guarantee ☐ Surety Bond
☐ Local Government ☐ Self Insured
☐ Private Insurance: Insurer/Policy # _____
☐ Letter of Credit
☐ **Not Required** (Federal & State government, hazardous substance USTs)

V. Release History N/A ☐

☐ To your knowledge, are there any public or private Drinking Water Wells in the vicinity ? **Yes / No**

☐ Evidence of release or spills at facility
☐ **Releases reported to implementing agency; if so, date(s)** _____ [280.53]
☐ Release confirmed; when and how _____
☐ Initial abatement measures and site characterization
☐ Soil or ground water contamination
☐ Remediation ongoing
☐ Greater than 25 gallons (estimate)
☐ Free product removal
☐ Corrective action plan submitted
☐ Remediation completed, no further action; date(s) _____

Notes:

Lat. 41.46367585
Long. -74.36996199

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VI. Tank Information	Tank No.	1	2	3	4		
Tank presently in use		Yes →		→	→		
If not, date last used	(see Section XII)						
If empty, verify 1" or less left	(see Section XII)						
Capacity of Tank (gal)		6000	6000	6000	10000		
Substance Stored		Regular →		Premium	Diesel		
M/Y Tank installed / Upgraded		12/1986 →		→	01/1983		
Tank Construction: Bare steel, Sti-P3, Retrofitted sacrificial anode, Impressed Current, Composite, FRP, Interior lining, Vaulted, Double-walled (DW)		FRP →		→	Bare Steel		
Spill Prevention		Catch Basin →		→	→		
Overfill Prevention (specify type)		Ball Float →		→	→		
Special Configuration: Compartmentalized, Manifolded		Manifolded → Master	Auxilliary				

VII. Piping Information							
Piping Type: Pressure, Suction		Pressure →		→	Suction → American		
Piping Construction: Bare steel, Sacrificial Anode, Impressed Current, Flex, FRP, Double-walled (DW)		DW FLEX					

Tank and Piping Notes:

VIII. Cathodic Protection		N/A ☐					
Integrity Assessment conducted prior to upgrade							
Interior Lining:	Interior lining inspected						
Impressed Current	CP Test records	N/A →		→	None		
	Rectifier inspection records				None		
Sacrifical Anode:	CP test records				None		

CP Notes: Tank 4 is a steel/carbon steel/or iron tank. Exterior protection is listed as painted/asphalt coating which does not exempt the tank from the need for cathodic protection. During the inspection no cathodic protection could be documented and Environmental Compliance Manager Joe McCormick was unable to provide any documentation that the tank had cathodic protection.

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Tank No.	1	2	3	4			
IX. UST system used solely by Emergency Power Generator	No →			→			

X. Release Detection N/A ☐

Tank RD Methods	ATG	CSLD →			→			
	Interstitial Monitoring							
	Groundwater Monitoring							
	Vapor Monitoring							
	Inventory Control w/ TTT							
	Manual Tank Gauging							
	Manual Tank Gauging w/ TTT							
	SIR							
12 Months Monitoring Records (*Must Make Available Last 12 Months For Compliance*)								

Tank RD Notes: (State What Months Records Were Available, Describe Any Failures and Describe What Investigation Occurred Due to Failure)
Passing CSLD results for all tanks for the last 12 months were available for review.

Pressurized Piping RD Methods		N/A ☐						
	Interstitial Monitoring	Yes →			No			
	Groundwater Monitoring							
	Vapor Monitoring							
	SIR							
12 Months Monitoring Records								
	Annual Line Tightness Test	Yes →						
ALLD	Present	Yes →						
	Annual Test	Yes →						

Piping RD Notes: (State What Months Records Were Available, Describe Any Failures and Describe What Investigation Occurred Due to Failure)
Passing annual line tightness test results for all pressurized systems were available to review. Also a passing pressure test for the diesel American suction line was available for review.

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XI. Repairs

N/A

Repaired tanks and piping are tightness tested within 30 days of repair completion	Y ☐	N ☐	Unknown ☐
CP systems are tested/inspected within 6 months of repair of any cathodically protected UST system	Y ☐	N ☐	Unknown ☐
Records of repairs are maintained	Y ☐	N ☐	Unknown ☐

XII. Temporary Closure

N/A ☐

CP continues to be maintained	Y ☐	N ☐	Unknown ☐
UST system contains product and release detection is performed	Y ☐	N ☐	Unknown ☐
Cap and secure all lines, pumps, manways	Y ☐	N ☐	Unknown ☐

Notes:

Init/Date PM 8/28/2012

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) REGION 2 UST PROGRAM
Ground Water Compliance Section
New York, NY 10007-1866

Inspector Observation Report

Inspection of Underground Storage Tanks (USTs)

☐ No violations observed at the conclusion of this inspection.

☑ The above named facility was inspected by a duly authorized representative of EPA Region 2, and the following are the inspector's observations and/or recommended corrective action(s):

Violations Observed:

Regulatory Citation	Violation Description
§ 280.21 (a)(2)	Failure to upgrade an existing system with cathodic protection
§ 280.21 (b)(1)(ii)	Failure to perform periodic internal inspection of a lined tank.
§	
§	
§	
§	
§	
§	

Actions Taken:
☐ Field Citation; #_____ ☐ Additional information required ☐ On-site request/Due date _____

Comments/Recommendations:

280.21 (a)(2) Tank No 4, a steel, carbon/steel or iron tank installed in 1983 was not upgraded with cathodic protection.

280.21 (b)(1)(ii) A steel tank installed in 1983 that is listed in the tank registration form as having an internal liner has no records of the repair to the tank or the required periodic internal inspections.

Name of Owner/Operator Representative:

_____ (Please print)

_____ (Signature)

Other Participants: _____

Name of EPA Inspector/representative

Peter P. Misluk, Jr (Please print)

Peter P. Misluk Jr. (Signature)

_____ (Credential Number)

Date of Inspection 8/28/2012 Time 12:00 AM/PM

Init/Date PM 8/28/2012

SITE DRAWING

DATE: _____ TIME ON SITE: _____ TIME OFF SITE:

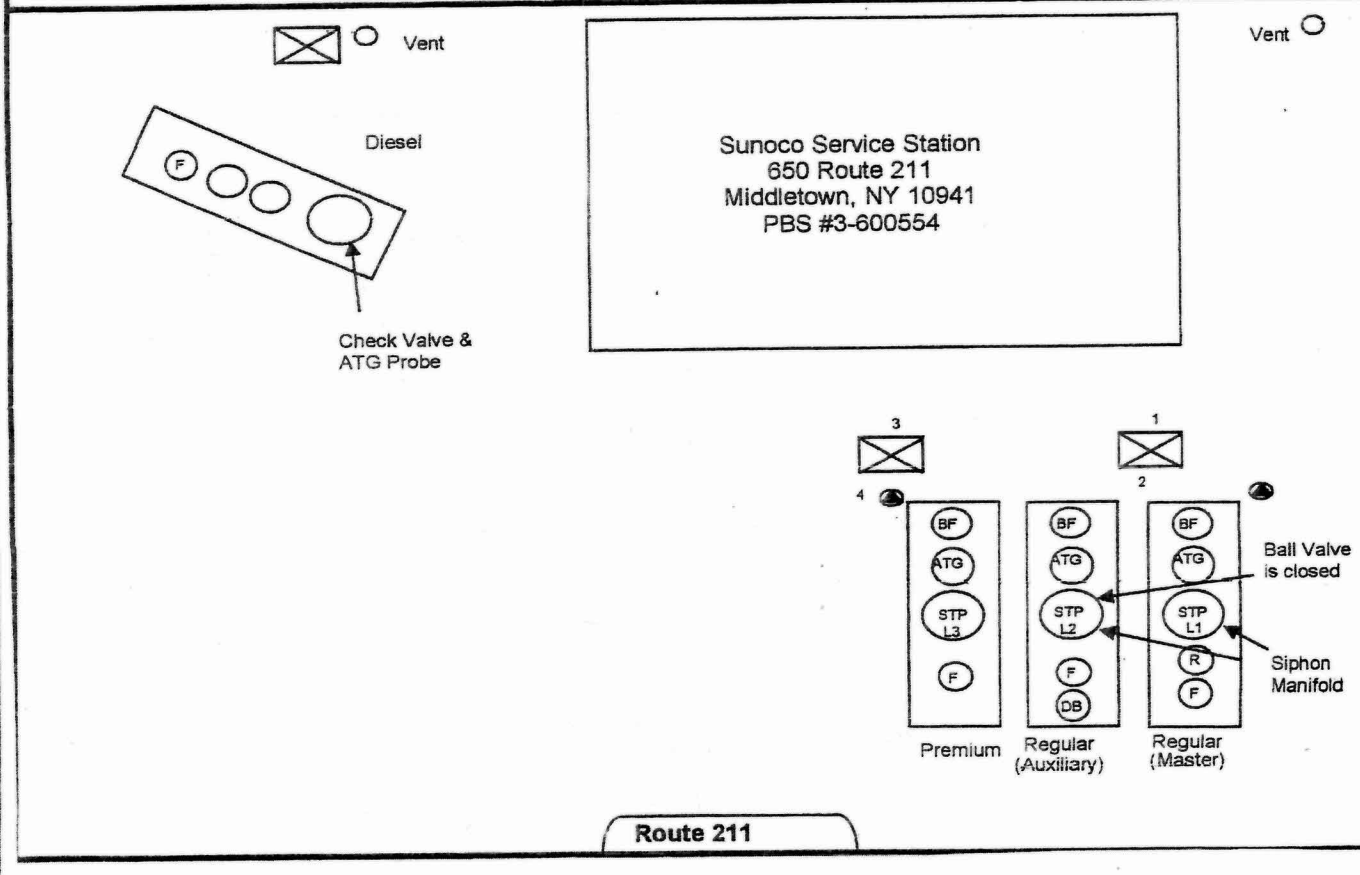
WEATHER:

ENVIRONMENTALLY SENSITIVE AREA : Y ☐ N ☐
If "Yes", please describe:

= Underground Storage Tank
= Dispenser

ATG = Automatic Tank Gauging System
STP = Submersible Turbine Sump
F = Fill
RF = Remote Fill
BF = Ball Float
I = Interstitial Riser
DB = Dry Break (Stage II)
M = Manifold
E = Extractor

= Tank Observation Well
= Groundwater Monitor Well
-0.99 = Cathodic Protection Test Point and Reading
= Tank Vents
= Overfill Alarm
0.50 = Helium Test Point and Percent Detected
ESO = Emergency Shut Off Button



☐ Pictures

Init/Date PM 8/20/2012

Required Fields to be used for ICIS Only

Compliance Monitoring

Activity: UST Inspection

Inspection Conclusion Data Sheet

1) Did you observe deficiencies (preferred violations) during the on-site inspection?

Deficiencies observed: (Put an **X** for each observed deficiency)

___ Potential failure to complete or submit a notification, report, certification, or manifest

_X_ Potential failure to follow or develop a required management practice or procedure

___ Potential failure to maintain a record or failure to disclose a document

___ Potential failure to maintain/inspect/repair meters, sensors, and recording equipment

___ Potential failure to report regulated events, such as spills, accidents, etc.

2) If you observed deficiencies, did you communicate the deficiencies to the Facility during the inspection? (Yes) No

3) Did you observe the Facility take any actions during the inspection to address the deficiencies noted? Yes / (No)

If yes, what actions were taken?

4) Did you provide general Compliance Assistance in accordance with the policy on the role of the EPA Inspector In providing Compliance Assistance during Inspections? (Yes) No

5) Did you provide site-specific Compliance Assistance in accordance with the policy on the role of the EPA Inspector in providing Compliance Assistance during the inspection? (Yes) No

Init/Date PM 8/28/2012

Release Prevention Compliance Measures Matrix

Regulatory Subject Area	Measure #	SOC Measure / Federal Citation	In Compliance?		
			N/A	Y	N
I. Spill Prevention	1	Spill prevention device is present and functional. [280.20(c)(1)(i), 280.21(d)]		✓	
II. Overfill Prevention	2	Overfill prevention device is present and operational. [280.20(c)(1)(ii), 280.21(d)]		✓	
		☐ Automatic shutoff is operational (ie., device not tampered with or inoperable) [280.20(c)(1)(ii)(A), 280.21(d)] ☐ Alarm is operational. [280.20(c)(1) (ii)(B), 280.21(d)] ☐ Alarm is audible or visible to delivery driver. [280.20(c)(1) (ii)(B), 280.21(d)] ☑ Ball float is operational. [280.20(c)(1)(ii)(B), 280.21(d)]			
III a. Operation and Maintenance	3	Repaired tanks and piping were tightness tested within 30 days of repair completion (not required w/internal inspections or if monthly monitoring is in use). [280.33(d)]	✓		
III b. Operation and Maintenance of Corrosion Protection	4	CP systems were tested/inspected within 6 months of repair of any cathodically protected UST system. [280.33(e)]	✓		
	5	Corrosion protection system is properly operated and maintained to provide continuous protection. [280.31(a)(b), 280.70(a)]			✓
		☑ UST system (Choose one) ☑ UST in operation ☐ UST in temporary closure ☑ CP System is properly operated and maintained ☐ CP system is performing adequately based on results of testing. [280.31(b)]; - or - ☐ CP system tested within required period and operator is conducting or has completed appropriate repair in response to test results reflecting CP system not providing adequate protection.			

Release Prevention Compliance Measures Matrix

Regulatory Subject Area	Measure #	SOC Measure / Federal Citation	In Compliance? N/A	Y	N
III b. Operation and Maintenance of Corrosion Protection (Continued)	6	UST systems with impressed current cathodic protection are inspected every 60 days. [280.31(c)]	✓		
	7	Lined tanks are inspected periodically and lining is in compliance. [280.21(b)(1)(ii)]			✓
IV. Tank and Piping Corrosion Protection	8	Buried metal tank and piping (which includes fittings, connections, etc.) is corrosion protected. [280.20(a), 280.20(b), 280.21(b), 280.21(c)]			✓
		☐ Buried metal piping components (such as swing joints, flex-connector, etc.) are isolated from the soil or cathodically protected. For new USTs - tanks and piping installed after 12/22/88 [280.20(a), 280.20(b)]: ☐ Steel tank or piping is coated with suitable dielectric material and cathodically protected. [280.20(a)(2), 280.20(b)(2)] ☐ Tank is fiberglass, clad, or jacketed and piping is fiberglass or flexible plastic. [280.20(a)(1), 280.20(a)(3), 280.20(a)(5), 280.20(b)(1), 280.20(b)(4)] ☐ Records are available to document that CP is not necessary. [280.20(a)(4)(ii), 280.20(b)(3)(ii)] For existing USTs - tanks and piping installed on or before 12/22/88 [280.21(b), 280.21(c)]: ☐ Tank and piping meet new UST requirements [280.21(a)(1)] ☐ Steel tank is internally lined. [280.21 (b)] ☐ ~~Metal tank and piping are cathodically protected. [280.21(b)(2), 280.21(c)]~~			

Notes: N/A - Indicates that the measure is not applicable.
Any mark in the "N" (No) column means that the facility is not in Significant Operational Compliance (SOC) with Release Prevention Compliance Measures. In order for a compliance measure to be in SOC, all applicable check-box items must be in compliance.

Release Detection Compliance Measures Matrix

Instructions - To Determine Compliance Status of Measures #1-7,
Work Through the Worksheet "Commonly Used Release Detection Methods" Below.

Regulatory Subject Area	Measure #	SOC Measure/ Federal Citation	In Compliance? N/A	Y	N
I. Release Detection Method Presence and Performance Requirements	1	Release detection method is present. [280.40(a)]		✓	
	2	Release detection system is operating properly (i.e., able to detect a release from any portion of the system that routinely contains product). [(280.40(a)(1)]		✓	
	3	Release detection system meets the performance standards at 280.43 or 280.44. [(280.40(a)(3)]	✓	✓	
	4	Implementing agency has been notified of suspected release as required. [(280.40(b)]	✓		
		❑ Non-passing results reported and resolved in accordance with implementing agency's directions. [280.40(b)]			
II. Release Detection Testing	5	Tanks and piping are monitored monthly for releases and records are available (must have records for ~~the two most recent consecutive months and for 8 months of~~ the last 12 months). [280.41(a), and 280.45(b)]		✓	
III. Hazardous Substance UST Systems	6	Hazardous substance UST system leak detection meets the requirements (i.e., either secondarily contained or otherwise approved by the implementing agency). [280.42(b)]	✓		
IV. Temporary Closure	7	Release detection requirements are complied with (i.e., method present, operational, releases investigated and reported as required) for UST systems containing product. [280.70(a)]	✓		

Worksheet - Commonly Used Release Detection Methods

Tank (Choose one)	Pressurized Pipe (Choose Two)	Non-exempt Suction Pipe (Choose one)	Release Detection Method
❑			**A. Inventory Control with Tank Tightness Testing (T.T.T)** ❑ Inventory control is conducted properly. ❑ T.T.T. performed as required (See "D" below). ❑ Inventory volume measurements for inputs, withdrawals, and remaining amounts are recorded each operating day and reconciled as required. [280.43(a)(1), 280.43(a)(3)] ❑ Equipment is capable of 1/8-inch measurement. [280.43(a)(2)] ❑ Product dispensing is metered and recorded within local standards for meter calibration to required accuracy. [280.43(a)(5)] ❑ Water is monitored at least monthly. [280.43(a)(6)]

Worksheet (Continued) - Commonly Used Release Detection Methods

Tank (Choose one)	Pressurized Pipe (Choose Two)	Non-exempt Suction Pipe (Choose one)	Release Detection Method
☑			B. Automatic Tank Gauge (ATG) ☑ ATG is set up properly. [280.40(a)(2)] ☑ ATG can detect a 0.2 gal/hr leak rate from any portion of the tank routinely containing product. [280.43(d)(1)] ☐ ATG is checking portion of tank that routinely contains product. [280.40(a)(1)]
☐			C. Manual Tank Gauging (MTG) ☐ Tank size is appropriate for using MTG. [280.43(b)(5)] ☐ Tanks 1001 gals (as per EPA memo) and greater restricted to use with T.T.T. (See "D" below) ☐ Method is being conducted correctly. [280.43(b)(4)] ☐ No liquid was added to or taken out of the tank during the test. [280.43(b)(1)] ☐ Equipment is capable of 1/8-inch measurement. [280.43(b)(3)]
☐	☑	☐	D. Tightness Testing (Safe Suction piping does not require testing) ☐ Testing method is capable of detecting a 0.1 gal/hr leak rate from any portion of tank routinely containing product. [280.43(c)] ☑ Tightness testing is conducted within specified time frames for method: ☐ Tanks - every 5 years [280.41(a)(1)] ☑ Pressurized Piping - annually [280.41(b)(1)(ii)] ☐ Non-exempt suction piping - every 3 years [280.41(b)(2)] ☐ Tightness testing is conducted following manufacturer's instructions. [280.40(a)(3)]
☐	☐	☐	E. Ground Water or Vapor Monitoring ☐ Ground water in the monitoring well is never more than 20 feet from the ground surface. [280.43(f)(2)] ☐ ~~Vapor monitoring well is not affected by high ground water. [280.43(e)(3)]~~ ☐ Site assessment has been done for vapor or ground water monitoring. [280.43(e)(6), 280.43(f)(7)] ☐ Wells are properly designed and positioned. [280.43(c)(6), 280.43(f)(7)]
☐	☐	☐	F. Interstitial Monitoring ☐ Secondary containment can be used to detect a release [280.43(g)(1)], 280.43(g)(2)] ☐ Sensor properly positioned. [280.40(a)(2)]

Worksheet (Continued) - Commonly Used Release Detection Methods

Tank (Choose one)	Pressurized Pipe (Choose Two)	Non-exempt Suction Pipe (Choose one)	Release Detection Method
	☑		**G. Automatic Line Leak Detector (ALLD)** ☑ ALLD is present and operational. [280.44(a)] ☑ Annual function test of the ALLD has been conducted and records are available. [280.44(a)]
☐	☐	☐	**H. Other Methods [e.g., Statistical Inventory Reconciliation (S.I.R.)]** ☐ The method can detect a 0.2 gal/hr leak rate or a release of 150 gal within a month and meet the 95/5 requirement [280.43(h)(1)]; or ☐ The implementing agency has approved the method as being as effective as tank tightness testing, automatic tank gauging, vapor monitoring, ground water monitoring, or interstitial monitoring and the operator complies with any conditions imposed by agency. [280.43(h)(2)] ☐ S.I.R. - Results are received within time frame established by implementing agency. [280.41(a) & 280.43(h)]

Notes: N/A - Indicates that the measure is not applicable.

Any mark in the "N" (No) column means that the facility is not in Significant Operational Compliance (SOC) with Release Detection Compliance Measures.

In order for a compliance measure to be in SOC, all applicable check-box items must be in compliance.

CCMI

COMPREHENSIVE COMPLIANCE MANAGEMENT, INC.

TANK COMPLIANCE GROUP
31 West State Street – Unit B
Granby, MA 01033
Phone/Fax: (413) 467-1124
info@compliancemgmt.com

Report Date: July 19, 2012

Test Results Summary

Test Date: 06/27/2012

Client Name:	CPD Energy Corp.		
Location Reference Number:	NA	*Regulatory Facility Number:*	3-600554
Location Name:	Sunoco Service Station		
Location Address:	650 Route 211		
Location City:	Middletown	*State:* NY *Zip:*	10941

Enclosed, please find the following test report(s):

Test	Conclusion
Product Line Tightness	
• Regular	• Pass
• Premium	• Pass
• Diesel	• Pass
Mechanical Line Leak Detectors	
• Regular	• Pass
• Premium	• Pass
Tank Monitor Inspection – Veeder Root TLS-350	
• In-Tank Gauging Probes	• Operational[1]
• Piping Sump Sensors	• Operational
Dispenser Shear Valve Inspection	
• Dispenser #1/2	• Operational
• Dispenser #3/4	• Operational
• Dispenser #5/6	• Operational

Notes:

1. The In-Tank Gauging Probes were Non-Operational due to intermittent "Probe Out" alarms during the initial inspection. Follow-Up repairs by Maintenance Contractor (Francis Smith & Sons Inc.) were conducted on 6/28/2012 & 7/02/2012. In-Tank Gauging Probes are reportedly operational now.

Scott Rossi
Technician Signature

Scott Rossi
Technician Name

Tom Presnal
Reviewed By Signature

Tom Presnal
Reviewed By Name